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MEMO ENDORSED

January 30, 2008

Via Facsimile: 212-805-6724  
Honorable Frank Maas  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 20A  
New York, New York

The conference is adjourned  
to 3/7 at 2pm. There will be  
no further adjournments. Additionally  
counsel are directed to comply  
with my prior order in advance

Re: *New Yuen Fat v. August Silk, et al.*  
Case No.: 07 CIV 8304

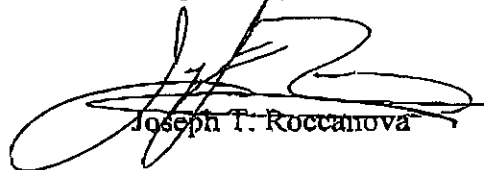
By the conference  
JRM, USDT,  
1/30/08

Dear Hon. Judge Maas:

We represent the plaintiff in the above matter. We hereby request that the case management conference currently scheduled for January 31<sup>st</sup>, 2008 be adjourned to February 22<sup>nd</sup>, 2008 on consent of all parties due to the actual engagement of plaintiff's attorney on trial in Civil Court, County of Staten Island. Enclosed please find fully executed stipulation by all parties consenting to the adjournment.

Thank you.

Respectfully,

  
Joseph T. Rocanova

JTR/kh  
Encl.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
UNITED STATES COURTHOUSE  
500 PEARL STREET  
NEW YORK, NEW YORK 10007-1581

CHAMBERS OF  
FRANK MAAS  
UNITED STATES MAGISTRATE JUDGE

TEL: (212) 805-6727  
FAX: (212) 805-6724

FACSIMILE COVER SHEET

**DATE:** January 30, 2008

**TO:** Peter E. Sverd, Esq.  
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Harlan M. Lazarus, Esq.  
Lazarus & Lazarus, P.C.  
Fax: (212) 684-0314

**FROM:** Evan Hudson-Plush  
Law Clerk, U.S.M.J. Frank Maas

**RE:** New Yuen Fat Garments v. August Silk, 07 Civ. 8304 (JFK)(FM)

**COMMENTS:** Memo Endorsement attached.  
If you have any questions, please call me at (212) 805-6730.

**NO. OF PAGES INCLUDING COVER SHEET** 2

If you experience any problems with this transmission, please call Chambers at the above number.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
NEW YUEN FAT GARMENTS FACTORY LIMITED, Case No.: 07 CIV 8304 (JFK)(FM)

Plaintiff,

-against-

**PROPOSED SCHEDULING  
ORDER**

AUGUST SILK, INC., and DIRECT APPAREL  
SOURCING, INC.,

Defendants.  
-----X

PURSUANT TO ORDER OF FRANK MAAS, UNITED STATES MAGISTRATE  
JUDGE. The Parties who have appeared in this action submit the following Proposed  
Scheduling Order.

1. The initial case management conference in this case is scheduled for January 31, 2008, at 11:00 am. Plaintiff, New Yuen Fat Garments Factory, Limited ("New Yuen Fat") is represented by Peter E. Sverd, Esq., a member of the law firm of Yuen Roccanova Seltzer & Sverd LLP, whose offices are located at 132 Nassau Street, Suite 1300, New York, New York 10038. Tel. 212-608-1178. Fax. 212-608-2913. The defendant, August Silk, Inc., ("August Silk") is represented by Harlan M. Lazarus, Esq., member of the law firm of Lazarus & Lazarus, P.C., whose office is located at 240 Madison Avenue, New York, New York 10016. Tel. 212-889-7400. Fax. 212-684-0314. The defendant Direct Apparel Sourcing, Inc., have not appeared in this action.

2. This is a breach of contract action and This Court's jurisdiction is based upon diversity of the parties domiciles, subject to defendant's jurisdictional defense. According to plaintiff, the issue in this case is whether the defendant August Silk impliedly, or expressly, contracted with New Yuen Fat for the manufacture and delivery of clothing

apparel. New Yuen Fat seeks damages from August Silk in the amount of \$354,711.60, for apparel manufactured and delivered to August Silk. It is August Silk's position that no such contracts were made, and in the alternative, that if it August Silk is responsible to New Yuen Fat for breach of contract, then New Yuen Fat is responsible for damages that it caused to August by delivering non-conforming or otherwise defective apparel.

3. Proposed Schedule of depositions

a. the names of persons to be deposed and the schedule of planned depositions, as per the initial service of deposition notices, are as follows, subject to subsequent agreement of the parties hereto, and that defendant's priority of deposition shall be preserved: August Silk will produce Larry Greenberg, on Monday March 3, 2008 at 10:00 am; Young Sun Ku on Tuesday, March 4, 2008, at 2:00 pm; Benedict Chan on Wednesday, March 5, 2008 at 10:00 am. New Yuen Fat will produce Karvin Li on Thursday, March 6, 2008 at 10:00 am; Sally on Thursday March 6, 2008; and, Lillian on Tuesday, March 11, 2008 at 2:30 pm.

Third-Party, and other depositions, including depositions of Direct Apparel, and Nikita shall be taken at the close of Party depositions, subject to extraneous circumstances of non-party witnesses availability.

b. Schedule of production of documents.

New Yuen Fat will provide document disclosure to August Silk no later than February 21, 2008. August Silk is to provide document disclosure to New Yuen Fat no later than February 25, 2008.

August Silk is to respond to New Yuen Fat's Interrogatories no later than February 25, 2008, subject to objection.

c. Expert reports are to be supplied to the adversary no later than May 30, 2008. Each experts deposition will be completed by June 30, 2008.

d. A phone conference with the Court and the parties shall be held on March 21, 2008, to discuss progress of disclosure.

e. Discovery shall be completed by October 3, 2008.

f. A settlement conference shall be held on \_\_\_\_\_.

g. Pre-trial motions, if any shall be filed by November 3, 2008.

h. Plaintiff will supply pre-trial order materials to the defendant in accordance with the procedures as set by Judge Keenan at the next conference before Judge Keenan which will be held on October 14, 2008 at 10 am.

i. The parties will submit a joint pretrial order, in accordance with the procedures as set by Judge Keenan at the next conference before Judge Keenan which will be held on October 14, 2008 at 10 am.

j. The parties agree to cooperate with one another, within the time frame set by this Order and the District Court's scheduling Order of December 7, 2007, and shall be allowed to adjust the specific dates provided for herein without prior court order, provided that all discovery shall be completed by the date provided for herein.

4. The plaintiff and the defendant do not have any limitations to be placed on discovery, except those protections provided by law.

5. The plaintiff and the defendant have no issues relating to electronically-stored information or the forms in which it is to be produced.

6. There are not any other discovery issues as to which counsel, after good faith effort were unable to reach an agreement;

7. The anticipated fields of expert testimony are as follows:  
textile composition and apparel and damage and valuation experts.
8. Plaintiff has requested a jury trial in this action. The trial should take five (5) days.
9. The parties to this Scheduling Order agree that this Scheduling Order may be altered and amended only on showing of good cause not foreseeable at the time of the conference or when justice so requires.

SO ORDERED

Dated: New York, New York

\_\_\_\_\_, 2008

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FRANK MAAS  
United States Magistrate Judge